

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

R.D. WEIS & COMPANY, INC.,

Plaintiff,

v.

THE CHILDREN'S PLACE RETAIL
STORES, INC.,

Defendant.

Civil Action No. 08-4245

**MOTION OF THE CHILDREN'S PLACE RETAIL STORES, INC., A DELAWARE
CORPORATION TO DISMISS THE COMPLAINT OF R.D. WEIS & COMPANY, INC.**

The Children's Place Retail Stores, Inc., a Delaware corporation with its principal place of business in Secaucus, New Jersey ("Defendant"), through its undersigned counsel, hereby moves this Court (the "Motion") to dismiss the above-captioned case for (i) failure to state a claim, or (ii) failure to name an indispensable party. The reasons for this Motion are set forth in the accompanying *Memorandum in Support of the Motion of The Children's Place Retail Stores, Inc., a Delaware Corporation to Dismiss the Complaint of R.D. Weis & Company, Inc.*

WHEREFORE, Defendant respectfully requests that the Court grant its Motion and enter an order substantially in the form attached hereto.

Respectfully submitted,

Dated: July 7, 2008

/s/

YOUNG CONAWAY STARGATT & TAYLOR, LLP
Robert Brady (NY No. 733925)
John T. Dorsey (DE No. 2988) (*Pro Hac Vice Pending*)
Sharon M. Zieg (DE No. 4196) (*Pro Hac Vice Pending*)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, Delaware 19801
Telephone: (302) 571-6600
Facsimile: (302) 571-1253

Counsel for The Children's Place Retail Stores, Inc.

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R.D. WEIS & COMPANY, INC.,

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V.

THE CHILDREN'S PLACE RETAIL
STORES, INC.,

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**ORDER GRANTING THE MOTION OF THE CHILDREN'S PLACE
RETAIL STORES, INC., A DELAWARE CORPORATION TO DISMISS
THE COMPLAINT OF R.D. WEIS & COMPANY, INC.**

This _____ day of _____, 2008, the Court having considered Defendant's Motion, and having concluding that good grounds exist for the requested relief, now therefor,

IT IS HEREBY ORDERED that Defendant's motion is granted, and that the above-captioned action is:

- (A) dismissed for failure to state a claim;
- (B) dismissed for failure to name an indispensable party.

United States District Judge